

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN R. FORTENBERRY, JR.,

Petitioner,

Case No. 24-cv-13290
Hon. Matthew F. Leitman

v.

ERIC RARDIN,

Respondent.

/

ORDER DISMISSING ACTION WITHOUT PREJUDICE

Petitioner John R. Fortenberry, Jr. is a federal inmate currently confined at the Federal Correctional Institution in Milan, Michigan. On December 11, 2024, Fortenberry filed a petition for a writ of habeas corpus in this Court. (*See Pet.*, ECF No. 1.) When he did so, he failed to either submit an application to proceed *in forma pauperis* (“IFP”) or pay the required \$5.00 filing fee. Accordingly, on December 12, 2024, Magistrate Judge David R. Grand signed an order of deficiency and directed Fortenberry to either submit an application to proceed IFP or pay the filing fee by no later than January 2, 2025. (*See Order*, ECF No. 3.)

On January 8, 2025, the Court granted Fortenberry’s motion to extend the time to comply with Magistrate Judge Grand’s Order. (*See Order*, ECF No. 5.) In that Order, the Court warned Fortenberry that if he did not submit an IFP application or

pay the required filing fee by February 8, 2025, the Court would dismiss this action. (See *id.*, PageID.24.)

Fortenberry has not paid the required filing fee, submitted an application to proceed IFP, or asked the Court for any additional time to submit his application or payment to the Court. Accordingly, because Fortenberry has failed to comply with the Court's Orders and failed to file an application to proceed IFP or pay the required filing fee, the Court **DISMISSES** this action **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 4, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 4, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager